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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,126	11/25/2003	Donald R. Gilbreath	C02-085A	9442
26683 7590 08/04/2010 THE GATES CORPORATION IP LAW DEPT. 10-A3 1551 WEWATTA STREET DENVER, CO 80202				
EXAMINER				
DUNWOODY, AARON M				
ART UNIT		PAPER NUMBER		
3679				
MAIL DATE		DELIVERY MODE		
08/04/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/723,126

**Applicant(s)**

GILBREATH, DONALD R.

**Examiner**

AARON DUNWOODY

**Art Unit**

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 November 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date: \_\_\_\_\_

In view of the Appeal Brief filed on 11/2/2009, PROSECUTION IS HEREBY REOPENED. Grounds set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Daniel P. Stodola/  
Supervisory Patent Examiner, Art Unit 3679.

### ***Claim Rejections - 35 USC § 103***

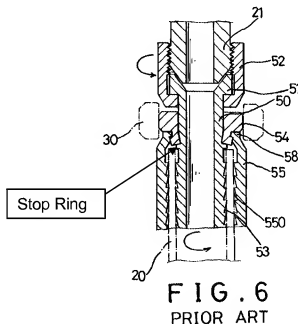
The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent 6318763, Huang in view of US patent 2479499, Le Clair.

In regards to claims 1 and 2, Huang discloses an improved hydraulic fitting having a stem (50) including a hose insert portion (53), and a collar support portion, having a mating connection portion (50, 51), and a collar having (54), a torque communication portion, a female support portion, and an inner periphery extending through the ferrule support portion and the torque communication portion, the improvement comprising:

the collar support portion an axial stop ring (see Figure 6 below),



the torque communication portion of the collar staked in such a manner that the inner periphery extending through the torque communication portion communicates in a relatively non-rotational manner, and

the ferrule support portion of the collar staked in such a manner that the inner periphery extending through the ferrule support portion engages the axial stop ring in an axial movement limiting manner.

Huang teaches splines stem, but does not disclose the collar support portion including knurling. Le Clair teaches a collar support portion including knurling (6), "to provide improved couplings and improved methods for attaching couplings to hoses" (col. 1, lines 21-23). As Le Clair relates to coupling of the kind which comprises a ferrule at one end, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the collar support portion including knurling, to provide improved couplings and improved methods for attaching couplings to hoses, as taught by Le Clair.

Note, the method of forming the device is not germane to the issue of patentability of the device itself. Therefore, this limitation is given little patentable weight.

In regards to claim 3, Huang discloses a ferrule (55) affixed upon the ferrule support portion.

In regards to claim 4, Huang in view of Le Clair discloses a hydraulic coupling and hose (20) comprising:

a hose end fitting including a stem having a hose insert portion, and a collar support portion,

the collar support portion of the stem including knurling and an axial stop ring,

a collar having, a torque communication portion, a female support portion, and an inner periphery extending through the ferrule support portion and the torque communication portion,

the torque communication portion of the collar staked such that the inner periphery extending through the torque communication portion communicates with the knurling in a relatively non-rotational manner, the ferrule support portion of the collar staked such that the inner periphery extending through the ferrule support portion engages the axial stop ring in an axial movement limiting manner, a mating connection portion, the hose fitted upon the hose end fitting,

an apparatus fitting, and

the apparatus fitting sealingly mated to the mating connection portion of the hose end fitting.

Note, the method of forming the device is not germane to the issue of patentability of the device itself. Therefore, this limitation is given little patentable weight.

In regards to claim 5, Huang discloses a ferrule staked upon the ferrule support portion and the hose crimped under the female.

Note, the method of forming the device is not germane to the issue of patentability of the device itself. Therefore, this limitation is given little patentable weight.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AARON DUNWOODY whose telephone number is (571)272-7080. The examiner can normally be reached on 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571)272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/AARON DUNWOODY/  
Primary Examiner, Art Unit 3679

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